



## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: August 17, 2005 Name: Gustavo Siller, Jr.

Signature:

BRINKS  
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GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Naoya Hasegawa et al.

Appln. No.: 09/774,781

Filed: January 30, 2001

For: Spin-Valve Thin-Film Magnetic Element  
and Method for Making the Same

Examiner:

George J. Letscher

Art Unit: 2653

Attorney Docket No: 9281-3917

Mail Stop Patent Ext.  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Request for Reconsideration of the Patent Term Adjustment Under 37 C.F.R. § 1.705(d) (with two Exhibits); and Check in the amount of \$200
- ☒ Return Receipt Postcard

## Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

## Fee payment:

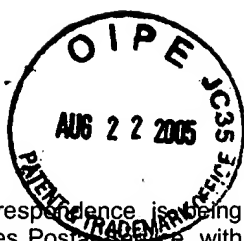
- ☒ A check in the amount of \$200 is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

8/17/05

  
Gustavo Siller, Jr. (Reg. No. 32,305)



DAC / IAW

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on August 17, 2005

Date of Deposit

Gustavo Siller, Jr. (Reg. No.: 32,305)

Name of applicant, assignee or  
Registered Representative

Signature

Date of Signature

Our Case No. 9281-3917  
Client Reference No.: N US00009

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Naoya Hasegawa, et al.

Serial No.: 09/774,781

Filing Date: January 30, 2001

For: Spin-Valve Thin-Film Magnetic Element and  
Method for Making The Same

Examiner: George J. Letscher

Group Art Unit No.: 2653

#### REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Allowance for the above identified application was mailed on June 1, 2005, with a published term adjustment under 35 U.S.C. § 154(b) of 0 days. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

## REMARKS

Reconsideration of the patent term adjustment under 35 U.S.C. § 154(b) is requested. A Notice of Allowance with a term adjustment of 568 days was mailed on June 1, 2005, and a copy of the Notification is included herewith as Exhibit A. Correction of the patent term adjustment to add 602 days to the patent term as shown below is respectfully requested. Applicant has enclosed a check for \$200.00 to cover the petition fee under 37 C.F.R. § 1.18(e). Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for U.S. Application No.: 09/774,781 is calculated as shown below. Dates are specified based on the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Please, note that the corresponding to be issued U.S. Patent is not subject to a terminal disclaimer.

### Period of adjustment under 37 C.F.R. § 1.703(a)

The period of adjustment under 37 C.F.R. § 1.703(a) is the number of days in the period beginning on the day ("the 14 month date") after that date that is fourteen months after the date on which the application was filed under 35 U.S.C. § 111(a) and ending on the date of mailing or either an action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151, whichever comes first.

The present application was filed on January 30, 2001. The 14 month date specified in 37 C.F.R. § 1.703(a) is March 30, 2002. The first PTO action was a requirement for restriction mailed January 26, 2004. The difference between the 14 month date and the date of mailing of the requirement for restriction is 667 days.

### Period of adjustment under 37 C.F.R. § 1.703(a)

The period of adjustment under 37 C.F.R. § 1.703(a) (6) is the number of days in the period beginning on the day ("the 4 month date") after that date that is four months

after the date on which the issue fee was paid and all outstanding requirements were satisfied and ending on the date a patent was issued.

In the present application, a response to a non-final office action was received on January 26, 2005. The 4 month date specified in 37 C.F.R. § 1.703(a)(6) is May 26, 2005. The notice of allowance was mailed on June 6, 2005. The difference between the 4 month date and the date of mailing of the notice of allowance is 6 days.

Reduction in period of adjustment under 37 C.F.R. § 1.704(c)

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.704(c), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods or time not in excess of 4 months (120 days) that are taken to submit a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the Examiner, after a reply has been filed, in which case the period of adjustment set forth in 37 C.F.R. §1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental or other paper was filed; or four months.

In the present application, a Response to an Election/Restriction Requirement was received by the Office on June 28, 2004. An IDS Submission was received by the Office on September 7, 2004, so the reduction in period of adjustment under 37 C.F.R. § 1.704(d) is 71 days.

Total patent term adjustment


For the present application, the total patent term adjustment under 37 C.F.R. § 1.703(f) is the period of adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus:

667 days + 6 days – 71 days = 602 days.

It is respectfully submitted that in the patent term adjustment determined for U.S. Application No.: 09/774,781, the term was not adjusted to include the 602 day term adjustment under 37 C.F.R. § 1.705 (d).

Accordingly, reconsideration of the patent term adjustment for U.S. Application number 09/774,781 is respectfully requested. Office personnel are invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this request.

Respectfully submitted,

  
\_\_\_\_\_  
Gustavo Siller, Jr.  
Registration No. 32,305  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200



## **EXHIBIT A**



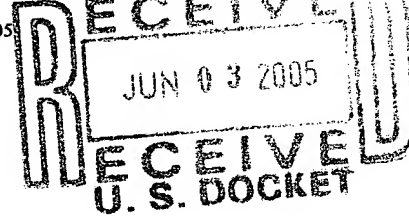
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

Brinks Hofer Gilson & Lione  
P.O. Box 10395  
Chicago, IL 60610

06/01/2005



EXAMINER

LETSCHER, GEORGE J

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 06/01/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,781	01/30/2001	Naoya Hasegawa	9281-3917	2588

TITLE OF INVENTION: SPIN-VALVE THIN-FILM MAGNETIC ELEMENT AND METHOD FOR MAKING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	09/01/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHT. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THE STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

3. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee Transmittal and pay the PUBLICATION FEE (if required) and 1 the ISSUE FEE shown above.

I. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

II. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issued on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSU  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
(703) 746-4000**

or **Fax**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 06/01/2005

**Brinks Hofer Gilson & Lione**  
P.O. Box 10395  
Chicago, IL 60610

Note: A certificate of mailing can only be used for domestic mailings of Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,781	01/30/2001	Naoya Hasegawa	9281-3917	2588

**TITLE OF INVENTION:** SPIN-VALVE THIN-FILM MAGNETIC ELEMENT AND METHOD FOR MAKING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	09/01/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
LETSCHER, GEORGE J	2653	360-324120

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

**3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

**4a. The following fee(s) are enclosed:**

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

**4b. Payment of Fee(s):**

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

**5. Change in Entity Status (from status indicated above)**

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 14 Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,781	01/30/2001	Naoya Hasegawa	9281-3917	2588
7590	06/01/2005		EXAMINER	
Brinks Hofer Gilson & Lione P.O. Box 10395 Chicago, IL 60610			LETSCHER, GEORGE J	
			ART UNIT	PAPER NUMBER
			2653	
DATE MAILED: 06/01/2005				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

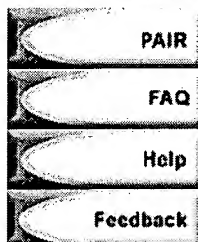
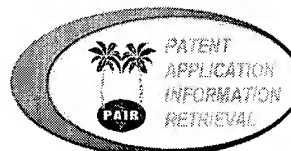
## **EXHIBIT B**



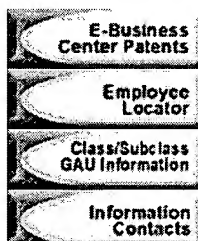
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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



Printer Friendly Version

Patent Term Adjustment (PTA) for application number: 09/774,781			
			Days
Filing or 371(c) Date:	01-30-2001	USPTO Delay (PTO):	6
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	71
Post-Issue Petitions (days):	+0	Total PTA:	0
USPTO Adjustment (days):	+0	Explanation of Calculations	

Select Search Option

File History  
Foreign Priority  
Image File Wrapper  
Published Documents

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
06-01-2005	Mail Notice of Allowance	6	
05-31-2005	Issue Revision Completed	↑	
05-31-2005	Notice of Allowance Data Verification Completed	↑	
05-31-2005	Notice of Allowability	↑	
04-07-2005	Date Forwarded to Examiner	↑	
01-26-2005	Response after Non-Final Action	↑	
01-26-2005	Workflow incoming amendment IFW		
09-07-2004	Reference capture on IDS		
01-30-2001	Reference capture on IDS		
09-07-2004	Information Disclosure Statement (IDS) Filed		71
10-26-2004	Mail Non-Final Rejection		↑
10-22-2004	Non-Final Rejection		↑
08-04-2004	IFW TSS Processing by Tech Center Complete		↑
08-04-2004	Date Forwarded to Examiner		↑
06-28-2004	Response to Election / Restriction Filed		↑
06-28-2004	Request for Extension of Time - Granted		
06-28-2004	Workflow incoming amendment IFW		
05-06-2004	Mail Restriction Requirement		
05-05-2004	Requirement for Restriction / Election		
02-27-2004	Date Forwarded to Examiner		
02-18-2004	Response to Election / Restriction Filed		

01-26-2004	Mail Restriction Requirement		
12-30-2002	Requirement for Restriction / Election		
06-12-2002	Case Docketed to Examiner in GAU		
04-09-2001	Information Disclosure Statement (IDS) Filed		
03-24-2001	Case Docketed to Examiner in GAU		
01-30-2001	Request for Foreign Priority (Priority Papers May Be Included)		
01-30-2001	Information Disclosure Statement (IDS) Filed		
03-16-2001	Application Dispatched from OIPE		
03-14-2001	Correspondence Address Change		
02-16-2001	IFW Scan & PACR Auto Security Review		
01-30-2001	Initial Exam Team nn		

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